

Sylwadau Dros y We / Representations via the Internet

Rhif Sylw / Rep Id: **416**

Enw / Name: **Welsh Highland Railway (Mr Graham Farr) [254]**

Rhan: **7.1.9**

Section: **7.1.9**

Math / Type: **Gwrthwynebu / Object**

Crynodeb o'r Sylw:

Rhaid rhoi ystyriaeth ofalus i effaith andwyol bosib Ardoll Seilwaith Cymunedol ar hyfywedd datblygiadau newydd megis yr un y gallai'r Cwmni ei gynnig yn unol â Safleoedd Arfaethedig cyfeirnodau cyflwyniad: SP552 ac SP870 (copïau o ffurflenni ynghlwm).

Representation Summary:

Careful consideration needs to be given to the potential adverse impact of CIL on the viability of new development such as the Company might propose in accordance with Candidate Site submissions refs: SP552 and SP870 (copies of forms attached).

Sylw Llawn / Full Representation:

Careful consideration needs to be given to the potential adverse impact of CIL on the viability of new development such as the Company might propose in accordance with Candidate Site submissions refs: SP552 and SP870 (copies of forms attached).

Newid(iadau) i'r Cynllun

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Change(s) to the Plan

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Profion Cadernid / Soundness Tests: None

HORIZON

NUCLEAR POWER

Joint Local Development Plan Anglesey & Gwynedd (2011-2026) Deposit Plan (2015)

Horizon Nuclear Power – Table of Representations

DCRM Ref Number: HNP-S5-PAC-REP-00036

	JLDP Policy	Para ref	Consultation responses	Specific amendments sought
	Development – Safe, healthy, Distinctive and vibrant communities		<p>policy test will be applied. As currently drafted, this element of the Strategic Policy may risk becoming a barrier to economic growth and other aspirations in the Plan.</p> <p>Horizon submits that the paragraph needs to be amended to build in further flexibility and clarify, among other things, what is meant by "significant harm", the factors relevant to assessing potential harm, and how other policy objectives in the Plan will be weighed against this policy objective.</p>	<p>The Councils will promote and support the use of the Welsh Language in the Plan area. This will be achieved by:</p> <ol style="list-style-type: none"> <u>Ensuring that in applications that may have an effect on the future of the Welsh language and culture within communities, applicants will normally be expected to submit a:</u> <ol style="list-style-type: none"> <u>Language impact statement to accompany a planning application for smaller developments.</u> <u>More detailed assessment in the form of a "Language Impact Assessment" to accompany a planning application where developments are on a larger scale or for large scale infrastructure projects with potential long term impacts.</u> Refusing proposals that due to its size, scale or its location, would cause significant harm to the character and language balance of a community <u>Using appropriate mechanisms to ensure that suitable measures that mitigate negative impacts on Welsh language are provided or a contribution is made towards them;</u> <u>Encouraging, where appropriate, all signage by public bodies and by commercial and business companies to be bilingual;</u> <u>Encouraging the use of Welsh place names for new developments, house and street names.</u> <p><u>In appropriate circumstances, mitigation against any adverse effects will be secured through requiring a financial contribution by a section 106 agreement.</u></p>
12.	Chapter 7 Managing growth and	7.1.7 –7.1.9	<p>Horizon considers the clarity of these paragraphs should be improved.</p> <p>The Councils' position on how it will</p>	<p><u>Amend the paragraphs to read:</u></p> <p>7.1.7 A new planning charge came into force on 6 April 2010 through the Community Infrastructure Levy Regulations 2010. These Regulations allow</p>

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	Development – Safe, healthy, Distinctive and vibrant communities		<p>manage pooling restrictions going forward after 6 April 2015 should be set out in full as this is critical for developers including Horizon to understand.</p> <p>Horizon makes further representations on the terminology surrounding and use of CIL receipts, section 106 agreements and community benefits below.</p>	<p>local authorities in England and Wales to raise funds from developers undertaking new building projects in their area. The money can be used to fund a wide range of infrastructure that is needed as a result of development. This includes transport schemes, flood defences, schools, hospitals and other health and social care facilities, parks, green spaces and leisure centres.</p> <p>7.1.8 After the 6th April 2015 only 5 contributions from section 106 agreements, since 6th April 2010, can be included within a fund for sharing resources, for example contribution towards play areas from a number of developments within a settlement.</p> <p><u>7.1.9 The Community Infrastructure Levy (CIL) regime was introduced in an effort to create a more standardised tariff regime in respect of indentified infrastructure for developers and councils to work from and therefore to reduce the time taken to negotiate individual planning obligation agreements for developments is a voluntary mechanism. It was therefore designed to supersede the present section 106 system. Introduction of a CIL regime however is not compulsory - it is a voluntary mechanism and requires. However, evidence is required to show that the market is viable to allow for this.</u></p> <p><u>7.1.9 However the CIL Regulations do limit the use of section 106 agreements from 6th April 2015. From this date the Councils may only pool contributions from up to five section 106 agreements (entered into from 6th April 2010) to a fund or to provide infrastructure. Previously unlimited contributions, could be included within a fund for sharing resources, for example contribution towards play areas from a number of developments within a settlement could be pooled.</u></p> <p><u>7.1.10 The Plan intends to allow contributions through Section 106 Agreements where they meet the statutory tests of: being necessary to make the development acceptable in planning terms; directly related to the</u></p>

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				<p>development; fairly and reasonably related in scale and kind to the development; and they are within the pooling restrictions the Regulations continue to allow this (see paragraph above). The Councils are investigating the possibility of introducing a CIL, by having regard to the impact upon viability of development. The CIL will be subject to a separate process and documents to the Plan. Information will be gathered upon the costs of preparing strategic infrastructure, the different sources to pay for the infrastructure and viability of sites. Discussions will also be held with other developers and stakeholders who have an interest and information about the area.</p>
13.	Chapter 7 Managing growth and Development – Safe, healthy, Distinctive and vibrant communities	Strategic Policy PS2 and policy ISA 1	<p>The Councils' intention with regard to the extent of these policies is not clear. The amendments made make it clear that s106 obligations sought must be levied in accordance with the regulatory tests i.e. contributions must meet the Community Infrastructure Regulations 2010 regulation 122 tests:</p> <ul style="list-style-type: none"> • necessary to make the development acceptable in planning terms; • directly related to the development; and, • fairly and reasonably related in scale and kind to the development. <p>These policies should be reconsidered to make this clear.</p>	<p><u>Amend PS2 as follows:</u></p> <p>STRATEGIC POLICY PS2: INFRASTRUCTURE AND DEVELOPER CONTRIBUTIONS</p> <p>The Councils will expect new development to ensure sufficient provision of essential infrastructure (either on-site or to service the site) is either already available or provided in a timely manner to make the proposal acceptable, by means of a planning condition or obligation. <u>Subject to meeting the statutory tests, maintenance payments may be required pursuant to section 106 agreements.</u> It may happen that planning obligations are required for maintenance payments in order to meet the initial costs of running services and facilities and to compensate communities for loss or damage caused by development.</p>

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